



Inmate sues Cleveland police, alleges excessive force and use of racial slurs during arrest

Cleveland police patch

(File photo)

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CLEVELAND, Ohio – A prison inmate is suing the Cleveland Division of Police, accusing officers of beating him and using racial epithets when he was arrested more than two years ago.

[ODRC website](#)

Patrick Carner, 23, of Cleveland, was apprehended on Nov. 29, 2012 on charges of felony assault, two counts of failure to comply with a police order and vandalism. In the suit, he alleges that **Sgt. Terry Shoulders, Sgt. Thomas Shoulders** and Det. Elliot Landrau beat him, screamed at him and called him racial slurs, all while he "was not resisting, was compliant, handcuffed and restrained."

The suit says that none of these interactions were recorded by police, but were instead partially preserved on a voice message. During the arrest, Carner got his cellphone and called his mother, but his mother did not pick up and the call went to voicemail.

Carner is serving a four-year prison sentence at Mansfield Correctional Institution on convictions for drug trafficking, aggravated riot, felonious assault and vandalism. He will be released in November 2016.

The case was first filed in Cuyahoga County Court of Common Pleas on Nov. 25, but the city's attorneys asked that the case be moved to federal court. It was filed in front of U.S. District Court Judge Christopher Boyko on Monday.

The suit also names police Chief Calvin Williams, Public Safety Director Michael McGrath and Martin Flask, executive assistant to Mayor Frank Jackson. McGrath is being sued as the former Cleveland police chief, while Flask is being sued as the former public safety director.

The suit alleges that the police officers violated Carner's constitutional rights. It also alleges that the city of Cleveland did not properly train police officers and that "there is a custom and practice ... of unequal and disparate treatment against the African-American citizenry and/or suspects in the course of an arrest and the placement into custody of an African-American arrestee."

Carner is asking for more than \$25,000 on each of the five counts he is alleging against the city and officers, as well as punitive damages and attorneys' fees. His attorney, Aparesh Paul, said the way police treated Carner was

an "injustice."

The city has not yet filed a response to the lawsuit. Through its spokesman, it declined to comment, saying it does not talk about pending litigation.

The lawsuit was first filed prior to the **Department of Justice releasing a report** that said Cleveland police officers too often use excessive force against residents. It makes no mention of what was then a pending DOJ investigation.

Aside from the most recent convictions, Carner has a long history of drug and violent crime convictions in common pleas and municipal court.

According to the lawsuit, Carner was found by police on Cleveland's West Side. When officers caught him, Carner was not armed and "immediately surrendered by laying himself face-down on the driveway."

When Landrau, Thomas Shoulders and his identical twin brother Terry arrived on scene, at least one of them started yelling racial slurs and slammed his head onto the trunk of a police cruiser, the lawsuit says.

After being put into the police cruiser, Carner retrieved his cellphone. When one of the officers got into the car, Carner "was able to drop the cell phone between his legs."

While in the cruiser, one of the officers told Carner there was no recording device and "punched Plaintiff in the right side of his face, as well as on the right side of his torso and in his groin."

Eventually, one of the officers saw the cellphone and "threw it on the ground, breaking it into pieces, then threw away the phone so it could not be located or retrieved," the lawsuit says.

Paul declined to release the voicemail audio when asked Monday.

"I want to litigate this in the courts and don't want to litigate this in the media," he said.

Note: This document contains potentially offense language. **View it on a mobile device here**

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